

JUSTIN M. BAXTER
Oregon State Bar ID Number 99217
justin@baxterlaw.com
Baxter & Baxter LLP
8835 S.W. Canyon Lane, Suite 130
Portland, Oregon 97225
Telephone (503) 297-9031
Facsimile (503) 291-9172
Attorney for Plaintiffs Breniser and Thurber

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JERRY BRENISER and GALE THURBER,

Case No. 07-CV-1418-HU

Plaintiffs,

DECLARATION OF JUSTIN M.
BAXTER

v.

WESTERN RECREATIONAL VEHICLES, INC.,
a foreign corporation,

Defendant.

I, Justin M. Baxter, hereby depose and state:

1. I am the attorney for plaintiffs in this civil action. I make this declaration of my personal knowledge. I am a member of the Oregon State Bar in good standing.

2. Attached hereto as Exhibit 1 is a true copy of the December 2006 Asset Purchase Agreement between Western Recreational Vehicles, Inc., a Washington corporation and Western

Recreational Vehicles, Inc., a Delaware corporation.

3. In 2007, I corresponded with Valerie Von Bourg regarding plaintiffs' warranty claims relating to the Alpenlite at issue in this case. We briefly discussed the possibility of repairs to the Alpenlite, but as that was not what plaintiffs wanted at that point, I requested that WRV repurchase the Alpenlite and refund plaintiffs' out of pocket expenses. Ms. Von Bourg and I also discussed the possibility of a replacement vehicle, but a satisfactory replacement could not be agreed upon. We attempted to negotiate a rescission and restitution, but were unsuccessful. WRV ultimately refused to remedy the defects and damage, or to comply with the warranty on the Alpenlite.

4. On or about June 11, 2008, I sent a request for production to WRV's corporate representative. A true copy of the request for production is attached as Exhibit 2. WRV failed to respond to the request for production with objections, responses, or responsive documents.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

DATED this 23rd day of September, 2008.

/s/ Justin M. Baxter

Justin M. Baxter, OSB #99217
justin@baxterlaw.com
Telephone (503) 297-9031
Facsimile (503) 291-9172
Attorneys for Plaintiffs Breniser and Thurber

CERTIFICATE OF SERVICE

I hereby certify that I served a true and complete copy of the foregoing DECLARATION
OF JUSTIN M. BAXTER on:

Philip Von Bourg
142 West 57th St., Suite 1700
New York, NY 10019

Corporate Representative for Defendant Western Recreational Vehicles, Inc.

☒ Via First Class Mail

☐ Via Facsimile

☐ Via Hand Delivery

☒ Electronic Delivery to pvonburg@mcpfunds.com

DATED this 23rd day of September, 2008.

/s/ Justin M. Baxter

Justin M. Baxter, OSB #99217
justin@baxterlaw.com
Telephone (503) 297-9031
Facsimile (503) 291-9172
Attorneys for Plaintiffs Breniser and Thurber